

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 30701 of 2007(E)

PETITIONER:

1. P.D.VARGHESE, S/O. DEVASSY, AGED 55 YRS,
PADAPURAKKAL HOUSE, MATTUMMEL, CHERANELLOOR,
COCHIN-34.
2. SHEENA, D/O. YOHANNAN, AGED 37 YRS,
PANJIKARAN HOUSE, VELLIKULANGARA, KODAKARA,
THRISSUR DISTRICT.

BY ADV. SRI.C.A.JOY

RESPONDENTS:

1. STATE, REPRESENTED BY
SUB INSPECTOR OF POLICE, CHERANELLOOR POLICE
STATION, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SAJEEV CHERIYAN,
SUB INSPECTOR OF POLICE, CHERANELLOOR POLICE
STATION.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R.BASANT, J

W.P(C).No.30701 of 2007

Dated this the 25th day of October, 2007

JUDGMENT

The grievance of the petitioners is that in spite of the order of anticipatory bail granted to them, they are being unnecessarily harassed by the Investigating Officer taking advantage of the direction in the anticipatory bail order that the petitioners must appear before the Investigating Officer as and when directed by him in writing to do so. The learned Government Pleader on instructions submits that the Investigating Officer could not question the accused on 10.10.07, the date fixed by the Court, on account of reasons beyond his control. On one further occasion, one of the petitioners had appeared. But on that date also, the Investigating Officer could not question that petitioner. The other petitioner has not entered appearance after 10.10.07 at all.

2. I am, in these circumstances, satisfied that a peremptory direction can be given to the petitioners to appear before the Investigating Officer on a date to be chosen by the Investigating Officer. Thereafter the petitioners need not appear before the Investigating Officer.

3. The learned Government Pleader, having taken instructions already on this aspect, submits that the petitioners may be directed to be present before the Investigating Officer between 10 a.m and 1 p.m on 02.11.07. One of the petitioners is a woman and the Investigating Officer shall ensure that she is questioned only in the presence of a woman official.

4. This Writ Petition is, in these circumstances, allowed in part to the above extent.

(R.BASANT, JUDGE)

rtr/-